

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SST FOUNDATION,

Plaintiff,

- against -

CREDIT SUISSE, SUISSE AMERICAN SECURITIES,
INC. and NEW YORK STATE DEPARTMENT OF
TAXATION,

Defendants.
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07 Civ. 4758 (SAS)

**WAIVER OF SERVICE
OF SUMMONS**

SWISS AMERICAN SECURITIES INC.

Third-Party Plaintiff,

- against -

DONALD KALFIN and CECILE KALFIN,

Third-Party Defendants.
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**TO: Allan N. Taffet, Esq.
Timothy J. Pastore, Esq.
Duval & Stachenfeld LLP
300 East 42nd Street
New York, New York 10017**

I acknowledge receipt of your request that I waive service of a summons in the above-captioned action.

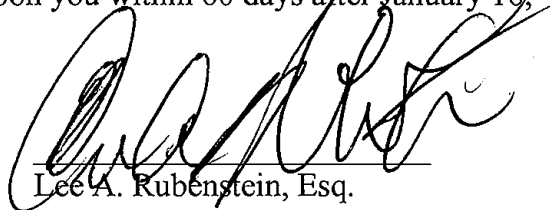
I have also received a copy of the Third-Party Complaint in the action, two copies of this instrument, and a means by which I can return this signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the Third-Party Complaint in this lawsuit by not requiring that Third-Party Defendants Donald and

Cecile Kalfin (on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

Third-Party Defendants Donald and Cecile Kalfin will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against Donald and Cecile Kalfin if an answer or motion under Rule 12 is not served upon you within 60 days after January 16, 2008.


Lee A. Rubenstein, Esq.
Attorney for Donald and Cecile Kalfin
450 7th Avenue, Suite 1400
New York, NY 10123

1/16/08
Date

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant who, after being notified of an action and asked to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or even its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against the defendant. By waiving service, a defendant is allowed more time to answer than if the summons has been actually served when the request for waiver of service was received.